

In the
**United States Court of Appeals
for the Federal Circuit**

14-1797
(U.S. District Court Eastern District of Michigan case No. 14cv10021)

ADDICTION AND DETOXIFICATION INSTITUTE L.L.C,
Appellant,
v.
JAMES CARPENTER, et. al,
Appellee.

Appeal from the United States District Court for the
Eastern District of Michigan

**MOTION TO EXTEND TIME
FOR FILING REPLY BRIEF**

MOTION TO EXTEND TIME
FOR FILING REPLY BRIEF

Pursuant to the Rules of the United States Court of Appeals for the Federal Circuit, Appellant Addiction and Detoxification Institute LLC (“Appellant ADI”), respectfully requests a fourteen (14) day extension of time to file its Reply Brief. Appellant’s Reply Brief is presently due on March 9, 2015. If the requested extension is granted, the new due date would be March 23, 2015. This is the second extension sought by Appellant ADI in this appeal.

Thomas K. Mirabile, trial attorney for the Plaintiff has been diagnosed with advanced spinal arthritis after a series of tests at Edward Hospital. Counsel is undergoing physical therapy to overcome his current inability to walk without assistance of a walker and inability to walk more than twenty feet. In the process of tests for his arthritic conditions an abdominal aneurism was seen leading to future tests and treatment by a cardiologist. Counsel is awaiting a final determination as to the necessity of surgery.

Because of these factors, Appellant’s counsel may not have sufficient time to prepare its Reply Brief.

Appellees do not oppose this motion.

For the above reasons, Appellant believes that a fourteen (14) day extension of time, until March 23, 2015, is reasonable and asks the Court to grant this motion.

A proposed order believed appropriate for entry by this Court is attached to this motion.

March 6th, 2015

Respectfully submitted,

/s/ Thomas K Mirabile
Thomas Keith Mirabile
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ADDICTION AND DETOXIFICATION INSTITUTE

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ORDER GRANTING MOTION TO EXTEND TIME

UPON CONSIDERATION OF Appellant's Motion to Extend Time for
Filing Appellant's Reply Brief,

IT IS ORDERED that:

The Motion is granted, and the time for filing Appellant's Reply Brief shall
be extended fourteen (14) days, or up to and including, March 23, 2015.

Date: _____

District Judge John Corbett O'Meara

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DECLARATION OF THOMAS K MIRABILE

1. I am an attorney in the law firm Mirabile Law Firm, and am principal counsel for Appellant Addiction and Detoxification Institute, LLC (“Appellant”) in this appeal. I submit this declaration of counsel in connection with Appellant’s Motion for Extension of Time for Filing Appellant’s Reply Brief, which seeks to extend the due date of Appellant’s Reply Brief from March 9, 2015 to March 23, 2015.

2. All of the facts set forth in the motion are true and correct and are based on my personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 6, 2015.

Respectfully submitted,

/s/ Thomas K Mirabile
Thomas Keith Mirabile
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1745 South Naperville Road
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Attorney for Appellant
ADDICTION AND DETOXIFICATION INSTITUTE

Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

_____ v. _____

No. _____

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

_____ certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Date_____
Signature of counsel_____
Printed name of counsel

Please Note: All questions must be answered

cc: _____

FORM 30. Certificate of Service

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

CERTIFICATE OF SERVICE

I certify that I served a copy on counsel of record on 09/17/2014
by:

- ☒ US mail
☐ Fax
☐ Hand
☒ Electronic Means
(by email or CM/ECF)

Thomas Kieth Mirabile

Name of Counsel

/s/ Thomas K. Mirabile

Signature of Counsel

Law Firm

Kristopher Hulliberger Howard & Howard

Address

450 W Fourth Street

City, State, ZIP

Royal Oak, MI 48067

Telephone Number

248-645-1283

FAX Number

E-mail Address

khulliberger@howardandhc

NOTE: For attorneys filing documents electronically, the name of the filer under whose log-in and password a document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear. Graphic and other electronic signatures are discouraged.

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 6th day of March 2015, I caused the foregoing Motion to Extend Time to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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Counsel for Appellant Addiction and Detoxification